

CHAPTER 2.05

Ethics Code

2.05.010 Declaration of policy.

The proper operation of government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a code of ethics for all City officials and employees is adopted. The purpose of this Code is to establish guidelines for standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the City by directing disclosure by such officials and employees of private financial or other interests in matters affecting the City and by imposing sanctions upon public officers or employees who violate the provisions of this Chapter. (Ord. 1113-98, 1998)

2.05.020 Definitions.

As used in this chapter, the following words shall have the following meanings:

Business Entity means any corporation, limited liability company, sole proprietorship, firm, partnership representation, association, venture, trust or corporation for profit.

Contract means any express or implied agreement which creates, modifies or terminates a particular relationship with the City and shall include the designation of a depository for public funds.

Interest means a pecuniary or valuable benefit accruent to a public officer or employee, individually, as a result of a contract or transaction which is, or may be, the subject of an official act or action by or with the City, except for such contracts or transactions which by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated.

1. For the purposes of this chapter, a public officer or employee shall be deemed to have an interest in the affairs of:

- a. Any relative;
- b. Any person or business entity with whom a contractual relationship exists with the public officer or employee;
- c. Any business entity in which the public officer or employee is an officer, director, owner, employee or investor;
- d. Any business entity in which the stock of, or legal or beneficial ownership of, in excess of five percent (5%) of the total legal and beneficial ownership, is controlled by or owned by the public officer or employee.

Official Act means any legislative, administrative or appointive act of any officer or employee of the City, or any agency, board, committee or commission thereof.

Public Officer or Employee means any person holding a position by election, appointment or employment in the service of the City, whether paid or unpaid.

Relative means any person related to any public officer/employee by blood or marriage, to include, but not limited to parents, spouses, children, brothers and sisters, parents-in-law, nephews, nieces, aunts, uncles, first cousins, grandparents, grandchildren and children-in-law and a divorce or separation between spouses shall not be deemed to terminate any such relationship. (Ord. 1113-98, 1998)

2.05.030 Code of ethics.

The following requirements shall constitute a code of ethics establishing reasonable standards and guidelines for the ethical conduct of public officers and employees of the City:

A. No public officer or employee having the power or duty to perform an official act, related to a contract or transaction which is the subject of an official act or action of the City, shall:

1. Have or thereafter acquire an interest in such contract or transaction, unless said contract or transaction resulted from the proper bid process for the City;
2. Have an interest in any business entity representing, advising, or appearing on behalf of any person involved in such contract or transaction with the City;
3. Have solicited or accepted present or future employment with a person or business entity involved in such contract or transaction with the City, or;
4. Have solicited, accepted, or granted a present or future gift, favor, service, or thing of value from or to a person involved in a contract or transaction with the City, except that provisions of this Paragraph shall not apply to an occasional nonpecuniary gift of twenty dollars (\$20.00) in value or less, or to an award publicly presented in recognition of public service.

B. No public official or employee shall attempt to influence the hiring, rate of pay, or appointment of any relative by the City.

C. No relative shall be hired into a position unless proper notification and advertisement has been made to insure all potential applicants receive an equal opportunity for employment.

D. No public officer or employee with respect to any contract or transaction which is, or may be, the subject of an official act or action of the City, shall personally acquire an interest in any property which may be affected by such action; nor disclose any confidential information concerning a contract or transaction which may involve the City for the purpose of advancing any private interest.

E. No public employee shall engage in or accept private employment or render service for private interest when such employment or service would tend to impair his independence of judgment or action in the performance of his official duties.

F. No public official shall engage in or accept private employment or render service for private interest when such employment or service would tend to impair his independence of judgment or action in the performance of his or her official duties, unless, such official discloses the conflict for the public record and abstains from voting on such issue. Furthermore, the official shall remove himself from the room where such discussion and voting takes place.

G. No public officer or employee shall appear on behalf of any person, other than himself or herself, his or her spouse, minor children, parents, or grandparents before any City agency. However, a member of the City Council may appear before any City agency on behalf of his or her constituents in the course of his or her duties as a representative of the electorate or in the performance of public or civic obligations.

H. No public officer or employee who in his capacity as such officer or employee participates in the making of a contract in which he or she has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on his or her part, shall enter into any contract with the City unless the contract is awarded through proper bid process.

I. No public officer shall request or permit the unauthorized use of any City-owned vehicles, equipment, personnel, materials, or property for personal convenience or profit.

J. No public officer or employee shall request or grant a special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen in similar circumstances or need.

K. A public officer or employee shall not, at any time within two (2) years after his or her termination from his or her position with the City, appear before any board, commission, committee, or agency of the City in relation to or with respect to any matter in which he or she was directly involved in the review, acceptance, policy formulation, or administration of such matter while a City official or employee.

L. At any meeting or gathering of three (3) or more members of the City Council or any appointed board of the City, the Council members shall not discuss any public business, nor shall matters pertaining to public business be presented, unless such meeting is open to the general public and prior notice for such meeting has been given. (Ord. 1113-98, 1998)

2.05.040 Disclosure and resolution of conflict.

A public officer or employee shall remove himself or herself from any conflict as follows:

A. Any elected or appointed public official or employee who has an interest in any proposed action before the City Council or a board or commission of which the public official or employee is a member shall immediately disclose the nature and extent of such interest, which such disclosure being a matter of public record.

B. The public official or employee shall not vote on the proposed action before the City Council, board or commission.

C. Said public official or employee shall not participate in any discussion on the proposed action. (Ord. 1113-98, 1998)

2.05.050 Violations; penalty.

Any Council member who violates any of the provisions of this Code shall be subject to the following penalties:

A. In all cases, the determination of the City Council as to whether there has been a violation shall be final.

B. In the case of a Council member, if a violation is established to the satisfaction of a majority of the City Council, such violation shall be grounds for an official reprimand by the City Council.

C. In the case of a board or commission member, if a violation is established to the satisfaction of a majority of the City Council, such violation shall be grounds for an official reprimand by the City Council and grounds for termination of such person's appointment to any board or commission of which he or she is a member. If the City Council votes to terminate the appointment of a board or commission member upon such grounds, the City Council may appoint another person to fulfill the term of the individual removed from office. (Ord. 1113-98, 1998)

2.05.060 Guideline violations.

Any apparent violations of this code may be referred to the City Council for investigation and discussion by any City official, board or citizen of the City. If, upon investigation and discussion, the Council finds that a violation of the guidelines contained in Section 2.05.030 of this Chapter has occurred, the City Council may caution or reprimand the Council member responsible thereof or take such other action as it deems to be in the best interests of the City. (Ord. 1113-98, 1998)